

**PATENT****REMARKS**

The above Amendments and these Remarks are in reply to the Office Action mailed June 25, 2004. The Commissioner is authorized to charge any underpayment or credit any overpayment to Deposit Account No. 06-1325 for any matter in connection with this response, including any fee for extension of time, which may be required.

Claims 1-25 were pending in the Application prior to the outstanding Office Action. In the Office Action, the Examiner rejected claims 1-25. Applicant has amended claims 1 and 19 and cancelled claims 13 and 25. Claims 1-12 and 14-24 are now pending.

Claims 1-5 and 7-24 stand rejected under 35 U.S.C §102(e) as being anticipated by *Zahavi et al.* (U.S. Patent No. 6,577,859).

Claims 6-7 and 25 stand rejected under 35 U.S.C §103(a) as being unpatentable over *Zahavi et al.* (U.S. Patent No. 6,577,859) applied to claims 1-5 and 8-24 above.

Claim 1 has been amended to include the limitation of claim 13, namely the addition of conversation representations. Claims 8 and 10 additionally disclose altering and deleting the conversation representation. The Examiner does not cite any location in *Zahavi* where the conversation representation can be manipulated. The section of *Zahavi* cited by the Examiner discloses the call process. It does not discuss the manipulation of conversation representations. Other sections of *Zahavi* discuss the addition of voice recordings, but they do not disclose the creation and removal of *conversation representations*, namely the interface components that are used to select voice messages that are transmitted to the remote parties. *Zahavi* does not disclose the creation,

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deletion, or alteration of interface components. Given that Zahavi fails to disclose or suggest these limitations, Applicants submit that claims 1-18 are patentably distinguishable over Zahavi.

Regarding claim 17, Zahavi similarly fails to disclose downloading a conversation representation from a host computer. Rather Zahavi enables a central system to return a pre-recorded voice message in response to a user selection of a interface component. Zahavi does not disclose the downloading of the interface component itself.

Claim 18 recites the use of text to speech processing to record a conversation element. The section of Zahavi cited by the Examiner (co. 6 ll. 23-28, col. 7 ll. 28-32) fails to disclose or suggest these limitations. This section of Zahavi cited by the Examiner discloses a remote system that stores pre-recorded messages that are returned in response to a user's selection of text commands. The disclosed system does not perform text-to-voice conversion. Rather, the system returns pre-recorded voice messages in response to submitted text input.

Claim 19 and its respective dependent claims have been amended to recite the limitation of claim 25, namely that the utterance indicates that the local party will be communicating through a computer. The Examiner concedes that Zahavi does not disclose this feature, but nonetheless indicates that it would be obvious to one skilled in the art. Applicants submit that the Examiner has not met the prima facie case for obviousness that requires that "the prior art references (or references, when combined *must teach or suggest all of the claim limitations*". MPEP 706.02(j) (emphasis added). The Examiner, insists that one of ordinary skill in the art could have developed the additional limitations, but provides no support whatsoever for this assertion either in the form of Official Notice or in the text of the art that was available at the time of filing.

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However, Applicants submit that the claimed limitations must be found in the references themselves. "All words in a claim must be considered in judging the patentability of the claim against the prior art." *In re Wilson*, 424 F.2d. 1382, 1385.

**CONCLUSION**

The references cited by the Examiner but not relied upon have been reviewed, but are not believed to render the claims unpatentable, either singly or in combination.

In light of the above, it is respectfully submitted that all of the claims now pending in the subject patent application should be allowable, and a Notice of Allowance is requested. The Examiner is respectfully requested to telephone the undersigned if he can assist in any way in expediting issuance of a patent.

The Commissioner is authorized to charge any underpayment or credit any overpayment to Deposit Account No. 06-1325 for any matter in connection with this response, including any fee for extension of time, which may be required.

Respectfully submitted,

Date: September 27, 2004 By:   
Bryon T. Wasserman  
Reg. No. 48,404

FLIESLER MEYER LLP  
Four Embarcadero Center, Fourth Floor  
San Francisco, California 94111-4156  
Telephone: (415) 362-3800  
Fax: (415) 362-2928  
Customer No.: 23910

Attorney Docket No.: FXPL-01016US0 MCF/BTW  
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